

REMARKS

Entry of the foregoing amendments and favorable reconsideration of the subject application in the light thereof, and in the light of the following remarks, are respectfully requested.

By the present amendment, independent claim 1 has been amended to reflect that the amount of sulfur to be blended into and contained in the gasoline composition of the present invention is no greater than 10 ppm sulfur. Accordingly, additional dependent claims have been canceled without prejudice or disclaimer.

Turning now to the outstanding Official Action, and the rejection therein, the Examiner has rejected the claims of record, i.e., claims 1-51, under 35 U.S.C. §103 as being unpatentable over the Jessup et al patents (U.S. Patent Nos. 5,283,393; 5,593,567; 5,653,866; or 5,837,126). For the following reasons, however, the Examiner's rejection is most respectfully traversed by applicants.

While the Jessup patents disclose controlling certain properties of a gasoline fuel in order to lower emissions, it is submitted that the patents fail to disclose or suggest controlling the amount of sulfur such that it is less than 10 ppmw, as now recited in claim 1. It is through the control of the sulfur to such a low level that one can effectively and efficiently blend the gasolines of the presently claimed invention, which contain no ethers, yet still meet the requirements of a California Predictive Model. A control of sulfur to such low limits to allow one to easily and effectively blend the compliant gasolines from refinery streams is nowhere disclosed in Jessup et al.

Among other factors, the present invention is based in part upon the recognition that the blending process of some or all, of the gasoline component streams of an oil refinery, can be controlled, while eliminating ethers, to successfully provide by an economic, continuous blending process for a low-emission gasoline substantially free of ether compounds which is in compliance with the California Predictive Model. The difficulty arises in eliminating ethers, as a significant difference in blending is required in the absence of ethers to achieve the requisite octane rating while also meeting the California Predictive Model specifications. MTBE in particular is a high octane, low boiling, moderate RVP component and its elimination presents considerable obstacles to successfully blending a gasoline, particularly a high octane gasoline. Yet, it has been discovered that appropriate blending can occur to provide a commercially economic, low-emission gasoline blend suitable for winter using the gasoline-component streams of a refinery when controlling the amount of sulfur to no greater than 10 ppm. Generally, testing on either a periodic or continuous basis of the blended streams, with subsequent adjustments in the blends based on the results of the testing, is employed in order to maintain compliance with the California Predictive Model. This is particularly preferred as the streams in a refinery can change in composition over time.

Indeed, low sulfur content of no greater than 10 ppm, has been found to be a very important aspect of one's successful ability to efficiently blend gasoline component streams of an oil refinery, while eliminating ethers, to provide a low emission gasoline. It is through the control of the amount of sulfur that one can effectively and efficiently blend such gasolines, particularly on a continuous basis, while containing no ethers, yet meeting the requirements of the California Predictive Model. The control of sulfur to such low

limits to allow one to easily and effectively blend compliant gasoline from refinery streams is nowhere disclosed in Jessup et al. No suggestion at all of the importance in controlling sulfur is suggested in Jessup et al., let alone controlling the amount of sulfur to such low levels of less than 10 ppm.

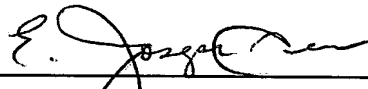
Accordingly, it is submitted that one of ordinary skill in the art reading Jessup et al. would not be directed to the practice of applicants' claimed invention, or the production of applicants' claimed gasoline. Favorable reconsideration and withdrawal of the Examiner's rejection of the claims of record over the Jessup et al. patents are therefore respectfully requested.

The Examiner has also rejected the claims of record under the judicially created doctrine of obviousness-type double patenting, which rejection is over claims 1-71 of co-pending application 09/603,556. A timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome such a rejection, and Applicants submit that such a terminal disclaimer will be filed, if necessary, once allowable subject matter is deemed to exist in the subject application, and the allowed subject matter can be compared to the claims of co-pending U.S. Application No. 09/603,556.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

E. Joseph Gess
Registration No. 28,510

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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Attachment to Amendment dated April 12, 2002

Marked-up Claim 1

1. (Amended) A method of blending unleaded gasolines which are substantially free of ether compounds and which have a Reid vapor pressure of greater than or equal to 7.00 and less than or equal to 15.00 psi, which method comprises

(a) blending some or all gasoline component streams from an oil refinery and keeping the blend substantially free of ethers and with a sulfur content no greater than 10 ppm, and

(b) controlling the blending of the streams such that the blended unleaded gasolines are in compliance with a California Predictive Model.